

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 15, 2023 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Nicholas Porter, Robin O'Driscoll, Dave Everett, and Corey Foley and Mayor Doug Hammond. Councilmember Ted Munford was excused.

WELCOME: Mayor Doug Hammond welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Dave Everett.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Nick Porter.

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF NOVEMBER 1, 2023: *Councilmember Robin O'Driscoll moved to approve the minutes of November 1, 2023. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, O'Driscoll, Foley and Porter voting in favor.*

APPROVAL OF CITY COUNCIL SPECIAL MEETING MINUTES OF NOVEMBER 4, 2023: *Councilmember+ Nick Porter moved to approve the minutes of November 4, 2023. Councilmember Corey Foley seconded the motion. The motion passed with Councilmembers Everett, O'Driscoll, Foley and Porter voting in favor.*

INTRODUCTION OF VICTORIA RODRIQUEZ-MENDOZA, NEW RECORDS CLERK: Kim Boren introduced Victoria Mendoza to the Council and expressed her appreciation for her work. The Mayor and Council welcomed her to Vernal City and thanked her for her service.

INTRODUCTION OF RICK RIKER AND AMY HADDEN, PUBLIC WORKS TECHS: Clint Morton, street supervisor, introduced Rick Riker and Amy Hadden who are the newest member of the street department. Clint stated that Rick has an oilfield background and his skills and knowledge comes in handy, and Amy comes from the Western Park, fits in great and has jumped right in. The Mayor and Council welcomed them to Vernal City.

SPECIAL ASSESSMENT AREA 2: PRESENT NOTICE OF ASSESSMENT, APPOINT BOARD OF EQUALIZATION & SET DATES FOR BOARD OF EQUALIZATION - RESOLUTION NO. 2023-15: Quinn Bennion presented the next step in the Special Assessment Area 2 process. A special meeting was held to approve calculations for the protests to the SAA2 and now a resolution is being presented to set the Board of Equalization and dates for the hearings. The hearings are to give property owners the opportunity to come in and share why they believe their assessment is not equitable. Mike Harrington pointed out the Board has to be represented by different offices in the City including the engineer, finance and appointment from the Council.

Councilmember Nick Porter moved to approve Resolution No. 2023-15. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:

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Councilmember O'Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

CONSIDER APPROVAL OF AIRPORT GRANT ASSURANCE AGREEMENT FOR AEAS SERVICE PROGRAM: Quinn Bennion discussed the essential air service grant that will allow Contour Airlines to operate the airline service out of Vernal starting February 1st. Every 3 years the commercial air service is bid out by the FAA and they package Vernal and Moab together. SkyWest did submit a bid and were rejected by the FAA as their proposal did not meet eligibility. Councilmember Corey Foley pointed out that the federal government subsidized the flights so they have the final say so the airport takes this or takes nothing. Quinn Bennion agreed since the FAA pays a \$6.9 million dollar subsidy. After further discussion, *Councilmember Nick Porter moved to approve the grant agreement for the AEAS Service program. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember O'Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

PUBLIC HEARING: REQUEST AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE: SECTION 16.57.040- RESIDENTIAL CONDOMINIUMS TO COMPLY WITH PLANNED RESIDENTIAL UNIT DEVELOPMENTS - ORDINANCE NO. 2023-17: Gabby Blackburn outlined the current code which requires developers of condominiums to comply with the regulations in the PRUD code. This creates property right issues based on each situation. She suggested this code be repealed so condos are not tied to PRUD's. The biggest change would be to density which can be regulated based on the size of the lot. Mayor Doug Hammond opened the public hearing. Gabby Blackburn stated the Planning Commission reviewed this ordinance is proposing approval. There being no public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Robin O'Driscoll moved to approve Ordinance No. 2023-17. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

Councilmember O'Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

PUBLIC HEARING: SECTION 16.44.070- HEIGHT AND COVERAGE REQUIREMENT

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IN THE R-4 ZONE - ORDINANCE NO. 2023-18: Gabby Blackburn addressed the pertinent concerns related to Ordinance No. 2023-18, focusing on height limitations, safety measures, neighborhood aesthetics and coverage requirements in the R-4 zone. Councilmember Nick Porter suggested modifications to the proposed height restrictions, emphasizing a balance between safety and architectural flexibility. Gabby Blackburn proposed language to add a height maximum for residential development of 4 or less units although the Planning Commission is recommending the code say three stories rather than a footage. The next section deals with multi-family units exceeding 4 units and the overall height cannot exceed 60 feet. She pointed out this is consistent with the mixed use zone. Councilmember Nick Porter emphasized that three stories or forty feet is reasonable. Quinn Bennion noted it may be out of character with the neighborhood. He suggested the height be related to the setback. Councilmember Dave Everett noted a three story complex next to a home could create an invasion of privacy. Gabby Blackburn reminded the Council this only applies to the R-4 zone. Mayor Doug Hammond opened the public hearing. There being no comments, Mayor Hammond closed the public hearing. *Councilmember Nick Porter moved to approve Ordinance No. 2023-18 with amendments to Section A1, allowing three stories and no taller than 45 feet for less than 4 units. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:*

Councilmember O'Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

DISCUSSION REGARDING PARADE ORDINANCE: Michael Harrington reminded the Council that they placed a moratorium on new parades through the end of the year to establish a comprehensive policy that addresses 1st amendment rights while responsibly tailoring regulations for reasonable governance and safety. The policy needs to include indemnification language to protect the City and insurance coverage for any parades that are not sponsored by the City. Councilmembers Corey Foley and Nick Porter raised concerns about parade routes, emphasizing the importance of public safety. Quinn Bennion stated it may be a UDOT concern with turning radiuses when traffic is re-routed. Mike Harrington proposed there be certain parades that are traditional and allowed to continue while also provide for new groups to hold parades taking into account the overtime and staffing costs to the City. Any new parade would have to cover the cost of approximately \$6000 or provide evidence of community service hours for a positive influence in the community for the City to cover the cost. He suggested a period of black out dates when parades cannot be held such as too close to other parades. Quinn Bennion noted the police department look at this policy and suggested that parade routes be looked at again before finalizing the policy.

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DISCUSSION REGARDING QUASI-PUBLIC PARKING LOTS AND ROADS FOR TRAFFIC ENFORCEMENT PURPOSES: Michael Harrington presented the scenario that you are driving in a parking lot and someone is texting and runs into you. What would you like to see happen. Right now, there is no basis to cite the other driver in a private parking lot so your insurance gets dinged. State statute allows the City to create a quasi-public road in parking lots if the majority of the owners agree to it so law enforcement officer can cite the responsible driver.

Quinn Bennion stated the police department is lukewarm on this idea, however, it will help residents with traffic accidents. The Council discussed the potential benefits for the public, and the resistance of some business owners. Mike Harrington suggested a public hearing be held before moving forward with this idea.

DISCUSSION REGARDING ANNEXATION POLICY FOR PROPERTY ADJACENT TO THE CITY WITH WATER / SEWER PROVIDED: Michael Harrington explained this would need to be a broad discussion as there has only been one property annexed in the last 17 years. There is an where the property owner would like to tie into Vernal City water and sewer and part of the property is in the County. The family is developing the area and would like to tie into the sewer line on 300 West. The idea is there are advantages to the City to get a better return on the infrastructure which is expensive. For the property owner the taxes are minimal and they get the services offered by a City. Councilmember Nick Porter stated they should not use City infrastructure if not in the City. If on the boarder, it makes sense to annex. Quinn Bennion stated there is an anti-annexation philosophy in the county. Roxanne Behunin explained the annexation process that is complicated and requires a wide notification. Councilmember Corey Foley agreed the way to solve the water issue is to annex.

UPDATE ON ANNEXATION FOR PROPERTY LOCATED AT 624 EAST 500 SOUTH: Roxanne Behunin explained that the City received a protest on this annexation petition so the County now needs to form a Boundary Commission to look at the petition and the protest. The Commission consists of two elected officials from the cities in the county and two elected officials from the County. Those four members then appoint an additional 3 members to review the annexation. This annexation consists of one property where the building was placed in the middle of property which is half in the City and half in the County. Councilmember Nick Porter stated this is the best option to annex the property.

DISCUSSION REGARDING CODE ENFORCEMENT FOR VEHICLES LEFT ON THE STREET: Gabby Blackburn asked the Council to consider if they want stronger code enforcement for junked vehicles parked on the street. Last year with the heavy snow, the vehicles left on the street created a problem clearing the snow. The code does require vehicles to be moved off the street when it snows. She asked if the Council wants to just tag the vehicle, go heavy on education, or issue citations. Councilmember Corey Foley asked if the vehicles are logged. Gabby stated they will organize the inspections. Councilmember Nick Porter

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indicated it is important that people comply and especially they should not leave their vehicle on the street all winter although education has to happen first. Councilmember Corey Foley stated it is a liability and safety issue. Also the ambulance or trash pick-up struggles to get down the street. Councilmember Dave Everett agreed it becomes a safety hazard. After further discussion, the Council expressed concerns about liability, safety, and the need for public awareness. The consensus was to proceed with a phased approach beginning with an education campaign then enforcement if not willing to comply.

STAFF REPORTS

Holly Days

Quinn Bennion reminded the Council that this is the 20th year and the planning is going well. The sponsorships are come in strong.

ADJOURN: There being no further business; *Councilmember Nick Porter moved to adjourn. Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.*

Mayor Doug Hammond

ATTEST:

Roxanne Behunin, City Recorder

(S E A L)